

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

JOSEPH GUBERA, JR., )  
                          )  
                          )  
Plaintiff,            )  
                          )  
                          )  
v.                     )           Case No. 06-4125-CV-C-NKL  
                          )  
                          )  
LIFE INSURANCE COMPANY )  
OF NORTH AMERICA,     )  
                          )  
                          )  
Defendant.            )

**ORDER OF TRANSFER**

At the request of Plaintiff's counsel, the Clerk's office filed this case in the Central Division of this Court. For the reasons set forth below, the Court transfers this case to the Western Division of this Court for further proceedings.

Plaintiff filed his case under the Employee Retirement Income and Security Act ("ERISA") against the insurance provider for Plaintiff's former employer. Plaintiff claims that he is entitled to long-term disability benefits under the ERISA plan administered by Defendant.

On the Civil Cover Sheet, the Plaintiff states that the Defendant's county of residence is outside the State of Missouri. Therefore, Local Rule 3.2(b)(3) applies. That rule provides that:

[i]f none of the defendants is a resident of the Western District of Missouri, the action shall be filed in the division where at least one plaintiff resides, or where the claim for relief arose.

L.R. 3.2(b)(3). The Plaintiff has not alleged that the claim arose in the Central Division. He has alleged that it arose in the Western District of Missouri. Therefore, based on the Plaintiff's own allegations, divisional venue is only proper in the Western Division, the place of the Plaintiff's residence.

Accordingly, it is hereby

ORDERED that this case is transferred to the Western Division of this Court for further proceedings.

s/ Nanette K. Laughrey  
NANETTE K. LAUGHREY  
United States District Judge

DATE: July 5, 2006  
Jefferson City, Missouri